

STAFF REPORT

DATE: August 30, 2017

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T17SA00307

C10-17-17 LIACUS DEVELOPMENT RESIDENTIAL LOT SPLIT / LIACUS DEVELOPMENT INC / 460 WEST 17TH STREET, HO-3

The applicant's property is an approximately 7,658 square foot lot located within the boundaries of Barrio Historico Historic Preservation Zone (HPZ) and is zoned HO-3 "Office". The property is developed with a single-family residence. The applicant is proposing to split the parcel to create an approximately 4,115 square foot lot containing the existing residence (Lot A) and an approximately 3,543 square foot lot for a future residence (Lot B).

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow proposed Lot A to be created with a lot area reduced from the minimum 5,000 square feet to approximately 4,115 square feet, and
- 2) Allow proposed Lot B to be created with a lot area reduced from the minimum 5,000 square feet to approximately 3,543 square feet, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.15 *Office Zone (O-3)* and Table 4.8-3 *Permitted Uses – Office Zones* which provide the use criteria in the zone; and

Table 6.3-3.A *Dimensional Standards for the O-1, O-2, and O-3 Zones*, which provides the minimum lot size requirements for residential development.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED HO-3; (single-family residential)

North: Zoned HO-3; (residential duplex)

South: Zoned HO-3; (single-family residential)

East: Zoned HO-3; (vacant)

West: Zoned HR-2; (Carrillo Elementary School)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objection or adverse comments.

RELATED CASES

Case # C10-10-07 - This was a lot split proposal for a property located on 17th Street in Barrio Historico. On June 30, 2010, the requested variances for a reduced minimum lot size and reduced building setbacks for the existing dwelling and studio units were approved.

Case # C10-10-14 – This was a lot split proposal for a property located on 16th Street in Armory Park. On September 29, 2010, the requested variances for a reduced minimum lot size, reduced building setbacks for the existing dwelling, and an increase in density were approved.

HPZ staff has reviewed the lot split proposal, which does not involve construction or impact building setback standards, and concluded that no historic design review/recommendation for approval by the Barrio Historico Historic Zone Advisory Board (BHHZAB) and Tucson-Pima County Historical Commission Plans Review Subcommittee (TPCHCPRS) is required.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

Minimum Lot Size

Per UDC Table 6.3-3.A, the minimum lot size requirement for a single-family residence in the O-3 zone is 5,000 square feet. The applicant is requesting variances to allow a lot split that will result in a 4,115 square foot lot and a 3,543 square foot lot for a single-family residential use.

Discussion

Barrio Historico is one of the oldest neighborhoods in Tucson. It was developed over time, and prior to implementation of zoning regulations establishing minimum or uniform lot sizes and building setbacks. This neighborhood is characterized by lots of varying sizes, many of which do not meet current standards for minimum lot size (see Applicants' Exhibit A). The subject property is located adjacent to five undersized lots. Three of those lots are developed and designated as contributing properties while the remaining two are vacant.

The majority of the lots in the area are narrow and deep and conducive to the architectural style in the neighborhood. The proposed new lots will provide a uniform and consistent historic streetscape that will connect with the properties on Main Avenue. The overall project will include developing Lot B and the two adjacent lots for residential use with parking provided on-site in conformance with regulations. Infill is a common goal in both Rio Nuevo and Barrio Historico and as such the proposed lot split will allow the properties to be developed in a manner that is consistent with the development zone.

Conclusion

Given that there have been similar reduced lot size requests in the area approved by the Board of Adjustment and that the proposed reduced lot sizes are not out of character with other development in this historic neighborhood; and that the project will not be detrimental to public welfare; staff can support the applicant's requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated June 29, 2017 and the summary of the onsite meeting dated July 12, 2017.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff recommends approval the applicant's requested variances.

It is the opinion of staff that granting of the variances will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located, will not be detrimental to the public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

Mark Castro, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

RW:mc: s/zoning administration/ba/1717.doc



BOARD OF ADJUSTMENT VARIANCE APPLICATION

T17SA00307

Case Number: C10- 17-17 Activity Number: S17-031 Date Accepted: 7/25/17PROPERTY LOCATION INFORMATIONProperty Address: 460 W. 17th St, Tucson Arizona 85701Project Description: Lot Split With Existing ResidenceZoning: HO-3 Property Size (sqft): 6,098 (7,658 see note)Number of Existing Buildings: 1 Number of Stories: 1 Height: 14'Legal Description: Legal Resub of Southern Pt Of Lot Blk 43 Lots 11&12&Sly 74.25' Of AbPima County Tax Parcel Number/s: 117-14-395-BAPPLICANT INFORMATION (The person processing the application and designated to receive notices):APPLICANT: Liacus Development/Michael KeithADDRESS: 788 S. 9th Ave, Tucson, Arizona 85701PHONE: ((520) 869-6944 FAX: () EMAIL: mskeith@mskeith.comPROPERTY OWNER (If ownership in escrow, please note): Liacus Development (in escrow)ADDRESS: 788 S. 9th Ave, Tucson Arizona 85701PHONE: ((520) 869-6944 FAX: () EMAIL: mskeith@mskeith.com

PROJECT TYPE (check all that apply):

- ☐ New building on vacant land
☐ New addition to existing building
☐ Existing building needs permits
☐ Landscaping / Screening substitution

- ☐ Change of use to existing building
☐ New building on developed land
☐ Modification to wall/fence height
☒ Other Residential Lot Split

Related Permitted Activity Number(s): S17-031

I hereby certify that all information contained in this application is complete and true to the best of my knowledge.

Michael S. Keith
SIGNATURE OF OWNER/APPLICANT

7-24-17

Date



BOARD OF ADJUSTMENT - PROJECT DESCRIPTION

Provide a description of the project including, but not limited to its lot area, square footage of proposed or existing structures, proposed use/s, is a multiphase project, etc. If this project is the subject of a rezoning or special exception request, HPZ review, or a zoning violation, please provide current status of that case.

The intent of the proposed lot split and project is to create an unbroken, residential historic streetscape and public ROW improvements along portions of S. Main Ave. and W. 17th in the Barrio Viejo neighborhood.

Barrio Viejo, Tucson's oldest historic district, is characterized by hundreds of small, sub-5000 sq ft lots, zero or minimum building setbacks, and typified by adobe and double-brick structures constructed generally between 1870 and 1930. (Exhibit "A")

The subject property at 460 W.17th is a 1928 bungalow-style mud adobe typical of much of the architectural inventory in the Main and 17th development zone. The historic structure which is currently under restoration by the applicant and assigns, is a 1590 sq ft residence on a 7658 sq ft building site, and is adjacent to 2 vacant lots and 3 improved historic properties under 5000 sq ft (Exhibit "B")

The requested lot spit by the applicant would create two parcels on the subject site: a 4115 sq ft parcel containing the existing residence at 460 W.17th, & a 2nd 3543 sq ft buildable lot. (See Exhibit "C"). Both newly created parcels will be compatible with the 5 existing lots directly adjacent to the east of subject and in the surrounding Barrio area. Granting of this Variance request will allow the applicant to create an unbroken, historic streetscape and needed public ROW improvements beginning at the recently restored adobe bungalow at 586 S. Main continuing south on Main, then west along 17th to the Carrillo School property line. (Exhibit "B"). The SW corner of S. Main and W. 17th is currently vacant, underutilized and not contributing to the stated infill goals of the Barrio Viejo neighborhood, the City of Tucson, and Rio Nuevo.

Case Number: C10- 17-17

Activity Number: S47-031

T17SA00307



APPLICANT'S REQUEST TO THE BOARD OF ADJUSTMENT

Provide applicable UDC Section reference, what is required and what is proposed/provided for each variance requested.

The applicant is seeking relief per UDC Table 6.3-3.A Dimensional Standards for the O-1,O-2,&O-3 Zones, HO Zone the minimum lot size to create a 3543 sq ft vacant lot, and a 4115 sq ft lot with historic residence. Note the applicant has applied and been granted approval & has purchased a portion of City-owned ROW on southern boundary of subject property effectively increasing total lot size from recorded 6074 sq ft to 7658 sq ft (Exhibit "D"). COT closing documents are included with application. (Exhibit "E")

Case Number: C10- 17-17

Activity Number: ~~S1703T~~ T17SA00307



BOARD OF ADJUSTMENT – REQUIRED FINDINGS

Arizona State Statutes and UDC Section 3.10.3.K. state that the Board may grant a variance only if the variance request complies with each and every one of these "Findings" in full. It is up to the applicant to explain to the Board how the request complies with each Finding. **Important Note:** Do not leave any "Finding" unanswered or marked "Not Applicable" or "N/A".

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;

Strict enforcement of UDC 6.3-3.A will deny the design and construction of a historically compatible residence on a sub 5000 sq ft lot enjoyed by the vast majority of development area properties. (Exhibit "A")

2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property;

Barrio Viejo is a unique, historic DT neighborhood characterized by Sonoran-Row House, Territorial, and Bungalow-style residences on sub-5000 sq ft lots. The the applicants proposed lot split/project meets existing lot size & development standards of develop. zone

3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;

The proposed construction of a 1600 sq ft residence is allowed in HO-3 zoning and consistent with established neighborhood development.

4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC;

Strict enforcement of UDC 6.3-3.A would not allow applicant to create a continuous historically-compatible residential infill project and needed public ROW improvements and would maintain the current non-contributing vacant lot status.

Case Number: C10- 17 - 17

Activity Number: S17-03T T 17SA00307



BOARD OF ADJUSTMENT – REQUIRED FINDINGS (CONTINUED)

5. That the granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

The proposed lot split/infill project meets the downtown revitalization goals of the COT, Rio Nuevo by providing residential housing and improving COT ROW. Proposed units will utilize on-site parking accessed by a 24' PAL reducing need for additional on-street parking

6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood; and, Proposed infill will provide 10' setback to the west, 25' to the north & 24 to the east. The applicant is aware of the sensitivity of the historic Barrio having completed over 30 projects in the area since 1986 including awards for the restoration of historic Cheney House, and the Franklin Court infill project. Proposed project is expected to have positive impact on area property values.

7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions that are in question.

The Variance, will create a 3543 sq ft lot, maintain existing 20' ingress/egress and add an additional 4' pedestrian access to duplex to the North. The remaining build-area is considered the minimum lot size necessary to support impact fees, permits, design & construction costs and public ROW improvements.

Case Number: C10- 17- 17

Activity Number: ~~S17-031~~ T17SA00307

Affidavit for Michael Keith

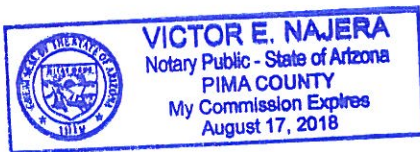
I, Michael Keith declare that on Friday, June 30, 2017 I addressed envelopes with mailing labels supplied by the City of Tucson and mailed notice of Neighborhood Meeting on that day (see photos).

Michael Keith

Michael Keith

Date: 7-28-17

[Signature]
Notary:



June 29, 2017

Subject: Residential lot split at 460 W. 17th St. Legal: TUCSON RESUB OF SOUTHERN PT of lot 5, Block 243, lots 11 and 12 and SLY 74.25 of ABAN ST of ADJ THERETO-03055.

Dear Neighbor,

We are proposing to create a lot split at the property located at 460 W. 17th St. The Uniform Development Code section 6.3-3a reads: Dimensional standards for the O1, O2, and O-3 zones, HO-3 zone the minimum lot size is 5000 ft.²

Therefore this project will require a variance if we are to create two lots from the subject lot; a 4115 square-foot lot for the existing 1590 ft.² adobe residence, and a second 3543 lot for the purpose of constructing a historically compatible, new residence.

The size and the use of the proposed new lot has been designed to conform to adjacent lots and uses in the Barrio Viejo district development zone.

The property will be open for your review on Wednesday, July 12th from 530 to 7:30 PM. You may also contact us at (520)869-6944 or **mskeith@mskeith.com** prior to, or after, the meeting for additional information. We will provide an attendance sheet on the site so please be sure to sign in, and we will provide some printed material for your review.

Once we have met these requirements a formal application for a variance will be submitted to the Board of Adjustment. Once our application is processed, we will be scheduling for a Board of Adjustment public hearing in which you may attend and speak at if so desired. You will receive an official notice from the City as to the date, time and place of the Board of Adjustment public hearing, as well as a comment form that you may fill out regarding our project. Thank you and we look forward to meeting with you.


(for)

Albert Neroni
Liacus

Neighborhood Meeting

<u>Name</u>	<u>Address</u>	<u>Email</u>
Michael Keith	788 S. 9th	mikeith@mikeith.com
Lupita Robles	4300 S. Park Ave Ward 5	lupita.robles@tucsonaz.gov
Diana Amadio	Ward 6	diana.amadio@tucsonaz.gov
Greg York	586 S Main Ave	gregory.york23@gmail.com
Karen Costello	618 S. Main Ave	tiki5@aol.com
PAUL FREISTEDT	582 S MAIN	pfreistedt@gmail.com
Mary Benhase	582 S Main	mibenhase@gmail.com
Joyce Holly	630 S. Main	hollyjoyce342@gmail.com
Barbara Holzman	757 W 17th SE	bholtzman1@gmail.com

July 12, 2017

Liacus Development
788 S. 9th Ave.
Tucson, AZ 85701

Activity # S17-031

Summary of On-Site Meeting
With Neighbors 7/12/17

A neighborhood meeting notice (see enclosed letter) was mailed to 96 recipients with labels provided by the City of Tucson on June 30, 2017.

The property was open for inspection from 5:30 PM to 7:30 PM. In the first hour, nine individuals attended the meeting, seven from the neighborhood, as well as representatives from Ward 5 and Ward 6.

Three of the neighbors, Gregory York, Mary Benhase, and Paul Freistedt, were primarily concerned with whether ingress or egress to their subject properties would be affected. Once the project was reviewed and shown not to have a negative impact to their ingress and egress they appeared satisfied and had no additional concerns.

The other neighbors questions were more of a general nature regarding type of projects being considered, time schedule, and eventual pricing and were answered it accordingly.

Karen Costello on the corner of Main Avenue and 17th had concerns about the size of the lot being created. We presented the map (Exhibit A) illustrating the large number of existing sub 5000 square-foot lots in Barrio Viejo and El Hoyo as well as the already platted and approved sub – 5000 square-foot lots adjacent to east of the subject on Main Avenue. We also discussed creating a continuous streetscape on Main and 17th similar in type, size and setbacks to the development that her residence is part of on the Southwest corner of Main and 17th.

No other neighbors arrived during the second hour and the doors were closed at 7:35 PM.



Michael S. Keith
July 12, 2017

Michael Keith
(520) 869-6944

Book-Map-Parcel: 117-14-395B

[Oblique Image](#)

Tax Year: 2018

Area: [0150](#)

Property Address:

Street No	Street Direction	Street Name	Location
460	W	17TH ST	Tucson

Taxpayer Information:

LIACUS DEVELOPMENT INC
3950 N CALIENTE CANYON PL
TUCSON AZ

Property Description:

TUCSON RESUB OF SOUTHERN PT OF LOT 5 BLK 243
LOTS 11 & 12 & SLY 74.25' OF ABAN ST ADJ THERETO

85749- 7810

Valuation Data:

Valuation Year	Legal Class	Assessment Ratio	Total FCV	Limited Value	Limited Assessed
2017	Res Other (4)	10.0	\$182,473	\$165,138	\$16,514
2018	Res Other (4)	10.0	\$217,460	\$173,395	\$17,339

Property Information:

Section: 13
Town: 14.0
Range: 13.0E
Map & Plat: 3/55
Block: 243
Tract:
Rule B District: 4
Land Measure: 6074.00F
Group Code:
Census Tract: 1000
[Use Code:](#) 0131 (SFR GRADE 010-3 URBAN SUBDIVIDED)
File Id: 1
Date of Last Change: 1/22/2016

Residential Characteristics:

Property Appraiser: Renee Ayala Phone: 520-724-8010

Appraisal Date:	1/21/2016	Property Type:	Single Family Residence
Processed:	1/21/2016	Area ID:	Ed 30-010202-01-3
Building Class:	3	Physical Condition:	Good
Total Livable Area:	1,415	Garage Type:	None
Effective Construction Year:	1928	Garage Capacity:	0
Stories:	1.0	Patio Type:	Covered
Rooms:	6	Patio Number:	1
Quality:	Fair	Pool Area:	0
Exterior Walls:	8in Stucco	Valuation Type:	00
Roof Type:	Prepared Roll	Total Main:	\$195,910
Heating:	Forced	Total Control:	\$195,910
Cooling:	Evaporative	Total Actual:	\$217,460
Bath Fixtures:	3	FCV Adjustment Factor:	1.000
Enhancement:	\$7,410	Last Action:	0129

Description	Quality	Construction	Value
Porch - enclosed	All	Knee wall w/glass	\$7,410

Valuation Area:

Condo Market: 100
DOR Market: 31
MFR Neighborhood: CB_BARRIO_VIEJO
SFR Neighborhood: 01020201
SFR District: 30

Supervisor District:

(2) RAMON VALADEZ

Recording Information:

Sequence No.	Docket	Page	Date Recorded	Type
20102440493	13960	1626	12/21/2010	WARRANTY DEED
20040771134	12285	4291	4/21/2004	WARRANTY DEED
20040771135	12285	4294	4/21/2004	WARRANTY DEED
20040410022	12249	103	3/2/2004	WARRANTY DEED
20040250259	12233	627	2/6/2004	WARRANTY DEED
93139329	9609	982	8/19/1993	
93139401	9609	1209	8/19/1993	

ASSESSOR'S RECORD MAP

117-14
19/21

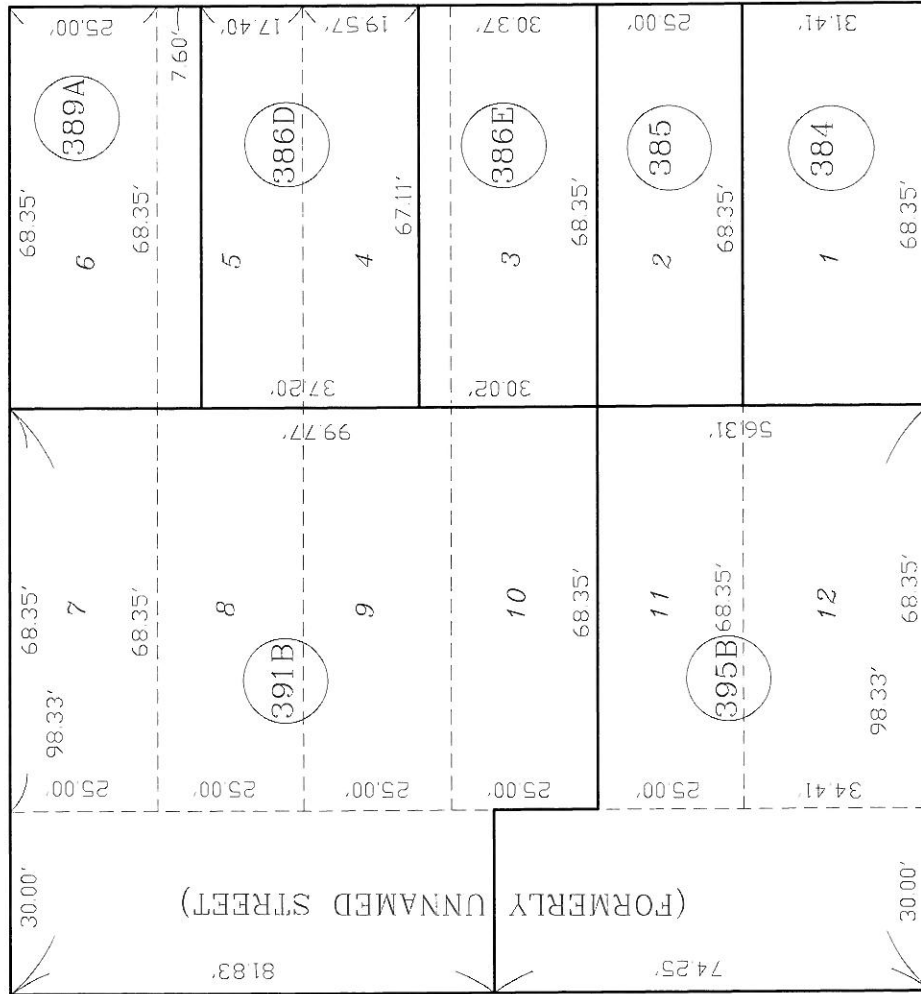
CITY OF TUCSON RESUB OF SOUTHERN PART OF
LOT 005, BLOCK 243

CITY OF TUCSON, BLOCK 243
BOOK 03, PAGE 70 M&P
167.70'

(RESUB 03/071 M&P)

CITY OF TUCSON, BLOCK 243
BOOK 03, PAGE 70 M&P

(FORMERLY UNNAMED STREET)



CITY OF TUCSON, BLOCK 242
BOOK 03, PAGE 70 M&P



SEE BOOK 03 PAGE 055 M&P
2009-1

S13.1145.R13E



CCS

I want to...

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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2000 10 10 10:00 - 10:00

Abstract

[More Information](#) [Oblique Aerial](#)

Photos

117143953

13969

1626

20101223

2124

01397

W 17th St

S MAIN AV

**Carrillo K-5
Magnet School**

Abstracts

1